

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE ANGELA NAILS, Plaintiff.	2:21-MC-51500-TGB-JJCG ORDER DENYING LEAVE TO FILE AND DISMISSING CASE
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Plaintiff is an enjoined filer—on April 13, 2018, Judge Mark Goldsmith issued an order prohibiting her from filing any more lawsuits in the Eastern District of Michigan without first obtaining permission from a judge. *See* Case No. 17-CV-12947, ECF No. 9. This Complaint identifies Plaintiff as an enjoined filer, which the Court will interpret as a request for leave to file the lawsuit. *See generally LaPine v. Collrin*, No. 21-51013, 2021 WL 3552239, at *1 (E.D. Mich. Aug. 11, 2021).

The Court will not grant permission for this case to move forward because it does not present a legally meritorious, non-frivolous claim. Plaintiff indicates that she wishes to sue the Michigan Court of Appeals in relation to a personal injury lawsuit filed in state court. In January 2021, Plaintiff attempted to appeal a decision in that lawsuit from the Third Circuit Court to the Michigan Court of Appeals. Her appeal was dismissed for failure to follow court rules. *See Nails v Asmar*, issued February 4, 2021 (Docket No. 355933) (Murray, J.), p 1. She appears to

allege here that the Court of Appeals staff were somehow deficient in providing her instructions or handling her case, and that therefore the dismissal was improper. ECF No. 1, PageID.1-2. She has already attempted to appeal this matter to the Michigan Supreme Court, which declined to hear her case.

First, the Court of Appeals is not an entity that can be sued in this manner because the Court's judges and staff are entitled to absolute immunity in the execution of judicial functions. *See, e.g., Foster v. Walsh*, 864 F.2d 416, 417 (6th Cir. 1988). Second, a review of the underlying Court of Appeals order indicates that Plaintiff's appeal was dismissed under MCR 7.201(B)(3) and 7.216(A)(10). This dismissal does not appear to have occurred because of lack of jurisdiction, as she claims. Rather, the Court of Appeals dismissed her case because she did not timely correct several deficiencies in her filing.

For these reasons, permission to proceed with this lawsuit is **DENIED**, and the matter is **DISMISSED** without prejudice.

SO ORDERED, this 22nd day of December, 2021.

BY THE COURT:

/s/Terrence G. Berg
TERRENCE G. BERG
United States District Judge